

REMARKS

Claims 1, 3-7, 9-13, 24-25 and 27-30 are currently pending.¹ Independent Claims 1, 7, and 24 are currently pending.

Independent Claims 1, 7 and 24 have been amended to incorporate the terms of dependent Claims 2 and 8. Independent Claim 1, with the terms of Claim 2 underlined, now reads:

1. A method for identifying cell matrix signaling (CMS) pathway induced genes that are modulated during vascular or proliferative diseases and related disorder comprising:
 - a) adding one or more vascular disease stimuli to a first cell culture of endothelial cells;
 - b) adding one or more vascular disease stimuli to a second cell culture of smooth muscle cells;
 - c) adding one or more vascular disease stimuli to a third cell culture of endothelial cells and smooth muscle cells wherein the endothelial and smooth muscle cells are cultured together;
 - d) measuring the amount of vascular disease markers in a), b), and c);
 - e) comparing the amount of the vascular disease markers in a), b) and c) to each other and to controls of untreated cell cultures or co-cultures;wherein the vascular disease stimuli is AGE, insulin, IL-1 β , TNF- α or a combination thereof.

Incorporating the terms of Claims 2 and 8, according to the Office Action, would now render Claims 1, 7 and 24 subject to a rejection pursuant to 35 U.S.C. § 103(a) as being obvious in view of *Axel et al.* combined with *Cahoon et al.* However, *Cahoon et al.*, and the present application were, at the time the invention was made, subject to an obligation of assignment to Reddy U.S. Therapeutics, Inc. Accordingly, *Cahoon et al.* is disqualified as a basis for a 35 U.S.C. § 103(a) rejection pursuant to 35 U.S.C. § 103(c). MPEP 706.02(I). Thus, based on the above-described amendments and *Cahoon et al.*

¹ Applicants acknowledge that the Office Action defines various terms in paragraphs 3 through 8 for the purposes of prosecution. However, Applicants respectfully do not acquiesce to the proposed meaning of the terms nor agree to be limited thereby.

being disqualified under 35 U.S.C. § 103(c) as prior art for a 35 U.S.C. § 103(a) rejection, the rejections to claims 1, 7 and 24 should be withdrawn.

Claim 13 is rejected pursuant to 35 U.S.C. § 112 second paragraph. The Office Action states there is insufficient antecedent basis for the limitation "the protein product." Applicants have amended Claim 13 and this should obviate the rejection.

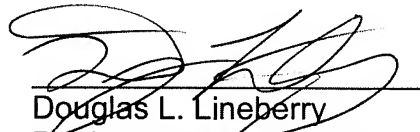
With respect to the non-statutory double patenting rejection in light of *Cahoon et al.*, Applicants will consider filing a terminal disclaimer to the extent necessary upon allowance of the application.

Applicants respectfully submit that the present application is in complete condition for allowance and favorable action, therefore, is respectfully requested. Examiner Makar is invited and encouraged to telephone the undersigned, however, should any issues remain after consideration of this Amendment.

Please charge any additional fees required by this Amendment to Deposit Account No. 04-1403.

Respectfully requested,

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